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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,969	11/18/2003	Hiroyuki Sakuyama	6453P013	7568

7590 10/16/2007  
Michael J. Mallie  
Blakely, Sokoloff, Taylor & Zafman LLP  
1279 Oakmead Parkway  
Sunnyvale, CA 94085

EXAMINER
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DANG, DUY M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/716,969		SAKUYAMA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Duy M. Dang		2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,9,10 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 11-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/18/03, 12/19/06, 3/14/07, &amp; 5/29/07</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's response filed on August 2, 2007 has been entered and made of record.
2. In view of Applicant's argument set forth at page 9 of the response with regard to the Election requirement, it is found to be persuasive and thus such election has been withdrawn.

#### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In this case, claims 18-20 are directed to "an article manufacture having one or more recordable media storing instructions thereon." The so-called "recordable media" does not necessarily invoke "computer readable medium" as required to meet 35 U.S.C. 101. See MPEP 2106(IV) and 2106.01.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 9-10, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chui (USPN 6,347,157).

Regarding claim 1, Chui teaches an image browsing device browsing an image stored in an image data source (see figure 1 which comprises browser depicted at 134), the device comprising: a coded-data-for-display acquisition unit to acquire coded data used for display of the image from the image data source (see figure 1: user interface depicted at 125 comprising display/monitor depicted at 126; and interface depicted at 106 comprising a display as shown in figure 2); a display processing unit to decode/extend the acquired coded data used for the display (the combination of CPU depicted at 122 and decoder modules depicted at 135 in figure 1 functions as the so-called “decode”), and displaying the image on a display unit (see figure 1: user interface depicted at 125 comprising display/monitor depicted at 126; and interface depicted at 106 comprising a display as shown in figure 2); a user interface unit to provide a user interface for a user to input a direction for saving the image displayed on the display unit (see figure 1: user interface depicted at 125 comprising display/monitor depicted at 126; and interface depicted at 106 comprising a display as shown in figure 2. Specifically, mouse is included in interface 106); a coded-data-for-saving acquisition unit to acquire coded data for the saving of the image directed by the user from the image data source (see monitor or data storage device depicted at 126 of figure 3); and a saving unit to save the acquired coded data for the saving in a storage unit (see monitor or data storage device depicted at 126 of figure 3).

Regarding claim 9, Chui further teaches JPEG2000 (i.e., wavelet compression/decompression scheme described at column 3 lines 55-65 and figures 4 and 12 refers to JPEG2000).

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Regarding claims 10, and 18-20, these claims are also rejected for the reasons as set forth in claim 1 above.

***Allowable Subject Matter***

7. Claims 2-8 and 11-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okada (U.S. Publication No. 2002/0154823 A1) is an example of decoding an image according JPEG2000.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd  
10/07

  
DUY M. DANG  
PRIMARY EXAMINER